IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8403 OF 2005

Shri Prakash Ramkrishna More ...Applicant

V/s

The State of Maharashtra ...Respondent

Mr. S.V. Kotwal i/b S.M. Sabrad for the applicant.

Mr. S.S. Tatkare, APP for the State.

ALONG WITH

CRIMINAL APPLICATION NO.8448 OF 2005

Sanjay Bhaskarrao Gaikhe ...Applicant.

V/s

The State of Maharashtra
(at the instance of
Pimpalgaon B Police Station
in connection with Crime
No.144 of 2005 dt.9/9/05) ...Respondent.

Mr. Jehangir Khajotia for the applicant.

Mr. S.S. Tatkare, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 17th January, 2006.

P.C.:

1. Both these applications can be disposed of by a common order since the applicants have preferred applications for anticipatory bail in connection with the same C.R. which is registered by the

Pimpalgaon(B) Police Station for an offence punishable under sections 420, 467, 468, 471 of the Indian Penal Code.

2. The prosecution case is that one Amol Kadam had forged certain documents more particularly the 7x12 extract in order to claim the loan from the Central Bank of India and on the basis of the said fabricated documents the loan amount of Rs 12,45,500/- and Rs 5,65,000/- was sanctioned in November, 2005 and September, 2005 respectively. A case was registered against the said Amol Kadam and during his interrogation, he revealed that the present applicants had been paid certain amounts.

3. It is the case of the applicants that they are dealers of agricultural equipments and are carrying on business for a very long time. It is the case of the applicant in Criminal Application No. 8403 of 2005 that the accused had paid certain amount towards the purchase of certain agricultural equipments. However, since the accused did not collect the goods, the said applicant returned the amount over a period of two months after deducting the usual commission @ 2%. The applicant in Criminal Application No. 8448 of 2005 Sanjay Gaikhe had supplied the goods to the main

accused and had deducted the commission at the rate of 2% after the goods were supplied. It is his case that he has the necessary documents such as the invoice and receipts to show that the goods, in fact, were supplied to the main accused and only his commission @ 2% was deducted towards the price of the said goods. Both the applicants, therefore, claim that they are not concerned in any manner with the main transaction viz. the loan which was obtained by the original accused Amol Kadam from the Central Bank of India.

4. In my view, both the applicants have made out a case for the grant of anticipatory bail. The applicants be released on bail in the event of their arrest by the Pimpalgaon (B), Police Station in connection with the offence which is registered for the offence punishable under sections 420, 467, 468, 471 of the Indian Penal Code vide C.R. No. 144 of 2005 in the sum of Rs 10,000/- each with one or to sureties in the like amount each. The applicants shall co-operate with the police. The applicants shall repot to Pimpalgaon(B) Police Station from 23/1/2006 for a period of one week between 11.00 a.m. to 5.00 p.m.

5. Both the applications are allowed in the above terms.

(V.M. KANADE, J.)